

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JENNIFER ECKHART and CATHY AREU,	:
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	:
Plaintiff(s),	:
	:
	:
-v-	:
FOX NEWS NETWORK, LLC, ED HENRY,	:
SEAN HANNITY, TUCKER CARLSON and	:
HOWARD KURTZ, in their individual and	:
professional capacities, Defendant(s).	:
	:
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No. 1:20 Civ. 5593 (RA)

CASE MANAGEMENT PLAN AND
SCHEDULING ORDER

RONNIE ABRAMS, United States District Judge:

Pursuant to Rules 16-26(f) of the Federal Rules of Civil Procedure, the Court hereby
adopts the following Case Management Plan and Scheduling Order:

1. All parties [consent _____ / do not consent ☒] to conducting all further proceedings before a United States Magistrate Judge, including motions and trial. 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences. *[If all parties consent, the remainder of the Order need not be completed at this time.]*
2. The parties [have ☒ / have not _____] engaged in settlement discussions in respect to Ms. Jennifer Eckhart, and the parties [have _____ / have not ☒] engaged in settlement discussions in respect to Ms. Cathy Areu.
3. This case [is ☒ / is not _____] to be tried to a jury.
4. No additional parties may be joined after October 27, 2020 without leave of the Court.
5. No amendments to the pleadings may be made after October 27, 2020 without leave of the Court.*
6. Initial disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure shall be completed no later than September 4, 2020. *[Absent exceptional circumstances, within fourteen (14) days of the date of the parties' conference pursuant to Rule 26(f).]*
7. All fact discovery is to be completed no later than December 23, 2020. *[A period not to exceed 120 days unless the case presents unique complexities or other exceptional circumstances.]*

* Presumably by motion, as Plaintiffs will be filing an Amended Complaint as of right prior to the initial conference. Any claims under Title VII shall be filed within two weeks of Plaintiffs' receipt of Notices of Right to Sue.

8. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided that the parties meet the deadline for completing fact discovery set forth in ¶ 7 above.
 - a. Initial requests for production of documents shall be served by September 4, 2020.
 - b. Interrogatories shall be served by September 4, 2020.
 - c. Depositions shall be completed by December 11, 2020.
 - d. Requests to Admit shall be served no later than December 18, 2020.
9. All expert discovery, including disclosures, reports, production of underlying documents, and depositions shall be completed by February 22, 2021. [The parties shall be prepared to describe their contemplated expert discovery and the bases for their proposed deadlines at the initial conference.]
10. All discovery shall be completed no later than February 22, 2021.**
11. The Court will conduct a post-discovery conference on _____ at _____. [To be completed by the Court.] No later than one week in advance of the conference, the parties are to submit a joint letter updating the Court on the status of the case, including but not limited to whether either party intends to file a dispositive motion and what efforts the parties have made to settle the action.
12. Unless otherwise ordered by the Court, the joint pretrial order and additional submissions required by Rule 6 of the Court's Individual Rules and Practices shall be due thirty (30) days from the close of discovery, or if any dispositive motion is filed, thirty (30) days from the Court's decision on such motion. This case shall be trial ready sixty (60) days from the close of discovery or the Court's decision on any dispositive motion.
13. Counsel for the parties propose the following alternative dispute resolution mechanism for this case:
 - a. _____ Referral to a Magistrate Judge for settlement discussions.
 - b. ☒ Referral to the Southern District's Mediation Program. [*Note that all employment discrimination cases, except cases brought under the Fair Labor Standards Act of 1938, 29 U.S.C. § 201 et seq., are designated for automatic referral to the Court's Alternative Dispute Resolution program of mediation. Accordingly, counsel in such cases should select 13(b).*]
 - c. _____ Retention of a private mediator.

** These dates assume that discovery will go forward following the initial conference. It is the Fox Defendants' position that discovery should be stayed pending the disposition of motions to dismiss. Plaintiffs and Mr. Henry believe that discovery should move forward immediately.

The use of any alternative dispute resolution mechanism does not stay or modify any date in this Order.

14. The parties have conferred and their present best estimate of the length of trial is ten (10) days.

SO ORDERED.

Dated: _____
New York, New York

Ronnie Abrams
United States District Judge